

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 01 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CURLIN PENNICK, III,

Plaintiff - Appellant,

v.

DEAN MASON, Administrator of
Grievance Procedure, Monroe Prison
Facility; et al.,

Defendants - Appellees.

No. 06-35978

D.C. No. CV-05-01198-RSM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Ricardo S. Martinez, District Judge, Presiding

Submitted July 22, 2008^{**}

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Washington state prisoner Curlin Pennick, III, appeals pro se the district court's summary judgment for defendants in his 42 U.S.C. § 1983 action alleging

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

that defendants violated his constitutional rights by confiscating legal papers from his cell. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Shakur v. Schriro*, 514 F.3d 878, 883 (9th Cir. 2008), and affirm.

Pennick contends that the Washington Department of Corrections (“DOC”) unconstitutionally deprived his fellow inmates of their right to receive legal assistance from him. This contention lacks merit because Pennick has no standing to assert third-party rights. *See Darring v. Kincheloe*, 783 F.2d 874, 877–78 (9th Cir. 1986). To the extent that Pennick contends that officials violated his own right to provide legal assistance to other inmates, his argument fails because DOC provides sufficient legal assistance to inmates and therefore may limit inmates from furnishing legal assistance to fellow prisoners. *See* Wash. Rev. Code § 72.09.190 (2008); Washington Dep’t of Corr. Policy Directive No. 590.500; *Johnson v. Avery*, 393 U.S. 483, 490 (1969). Moreover, the district court properly concluded that even if DOC did not provide such legal assistance, the policy that prohibits inmates from possessing each others’ legal papers outside the law library is reasonably related to legitimate penological interests. *See Turner v. Safley*, 482 U.S. 78, 79 (1987).

Pennick argues that his legal papers were confiscated and destroyed in violation of his due process rights. The district court properly granted summary

judgment because deprivation of property does not constitute a due process violation where, as here, a post-deprivation state remedy is available. *See Hudson v. Palmer*, 468 U.S. 517, 533 (1984); *see also* Wash. Rev. Code §§ 4.92.090, 72.02.045 (providing remedy for tortious conduct of state officials and for loss of prisoners' property, respectively).

Pennick's remaining contentions are not persuasive.

AFFIRMED.